

IN THE UNITED STATES DISTRICT COURT FOR THE
Western District of Texas

Gregory D Dixon,

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Plaintiff : Civil Action# 1:23-cv:00326

V

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Tesla, Inc.

:

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Defendant

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:

**MOTION TO COMPEL THE PRODUCTION OF THE PLAINTIFF'S
MEDICAL RECORDS**

COME NOW THE PRO SE PLAINTIFF IN PURSUANT TO Local Rule CV-7, FEDERAL RULES OF CIVIL PROCEDURE 26 and 37, and pursuant to 42 U.S.C. 290dd-2 to "authorize a disclosure or use of patient information" to Order the Production of the Pro Se Plaintiff's requested medical records (UPON A 3RD PARTY), if the documents aren't produced within 30 days of this motion.

THE PRO SE PLAINTIFF PRAY THIS HONORABLE COURT RESERVE RULING ON THIS MOTION FOR 30 DAYS. The Plaintiff, in pursuant to 45 C.F.R. § 164.512 has and Civil Rules of Civil Procedure 37, has requested production of his medical records from the Social Security Administration and Singing River Hospital, and has included a copy of the 3rd party "early discovery" request with this motion labeled as Exhibit 1 (Social Security Administration) and Exhibit 2 (Singing River Hospital.) The Pro Se Plaintiff WILL ARGUE THAT THE TIMELY PRODUCTION OF THESE

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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DOCUMENTS ARE CRUCIAL AND TO THE VERY HEART OF WHAT HIS CASE IS ABOUT.

The Plaintiff is arguing that Tesla, Inc. **COMMITTED CLEAR VIOLATIONS OF THE AMERICAN'S WITH DISABILITIES ACT**, and the **FAILURE OF PRODUCTION OF ACURATE DOCUMENTS WILL BE A "FAILURE OF JUSTICE" FOR THE PLAINTIFF, WHO OTHERWISE (IF PROVEN HE HAS A RECORD OF DISABILITY AS DESCRIBED IN THE LAW) WOULD BE OFFERED PROTECTIONS UNDER THE AMERICAN'S WITH DISABILITIES ACT.**

LEGAL ARGUMENT (JUSTIFICATION) FOR ORDERUNG MEDICAL RECORDS OF THE PLAINTIFF

The Pro Se Plaintiff, reasonably assumes Tesla will use the following justifications for the 65+ day suspension. 1. **The Plaintiff was being "unsafe"**

Defense: The Plaintiff will justify (by in later pleadings providing) a recorded conversation with John Nelson who, on April 24th 2023 stopped the Plaintiff on the forklift and during the conversation ADMITTED HE HAD IN FACT STOPPED THE PLAINTIFF FOR A "SAFTEY VIOLATION THAT ALL THE OTHER EMPLOYEES DO and

2. The Plaintiff was being "insubordinate and using profanity"

On May 22nd 2023, a co-worker of the Plaintiff's while stopped in the Tesla Warehouse and both employees were mounted upon forklifts, began yelling at the Plaintiff saying the Plaintiff was being unsafe. After multiple attempts to defuse the situation, the Plaintiff asked the co-worker to follow him to the battery room to report the harassment. THE CO-WORKER WHO STOPPED THE PLAINTIFF AND WHOM THE PLAINTIFF WAS IN DISPUTE WITH WAS

**A MANAGER, IN WHOM THE PLAINTIFF HAD NEVER SEEN BEFORE, AND WHO
NOT 1 TIME DURING THE EXCHANGE IDENTITIED HIMSELF AS A MANAGER**

(the Plaintiff didn't find out he was a manager until 1 week later while on the current suspension.)

Defense- The Plaintiff will argue due to **HIS KNOWN RECORD OF DISABILITY** (Tesla was first informed prior to the Plaintiff returning to work on April 18th, 2023 from the first suspension) **AND DUE TO JOHN NELSON MAKING A COMMENT TELLING THE PLAINTIFF HE DIDNT CARE ABOUT THE PLAINTIFF'S MENTAL HEALTH**, the Plaintiff will argue that **DUE TO A RECORD OF DISABILITY AND PERSONALITY DISORDER AND ANXIETY IN SPECIFIC, NOT KNOWING HE WAS SPEAKING TO A MANAGER THAT THE PLAINTIFF'S RESPONSE WAS NOT RELATED TO GROSS MIS-CONDUCT AND WAS DUE TO HIS RECORD OF DISABILITY**, in which he **STILL SUFFERS** from "mental health" issues.

The PLAINTIFF'S ENTIRE ARGUMENT WILL CENTER ON both of the suspensions (the Plaintiff has suffered at Tesla, Inc.) are related to the Plaintiff's history of disability, which, according to *Spurling v C&M Fine Pack, Inc.* 739 F.3d 1055, (where an employee was fired after the 3rd suspension and was found sleeping on the job, due to the fact the employer was aware of the employees medical condition,) the Courts ruled the medical condition can't be "related" to the gross misconduct, therefore the Plaintiff can only justify the suspension as 'related to his health.'

PLAINTIFF'S RECORD OF DISABILITY

The Pro Se Plaintiff is seeking enforcement of **42 U.S. Code § 12102(1)(b)** in which, the Plaintiff has a “record of disability” as described under the law. From a period of 2012-2014, the Pro Se Plaintiff received “disability” payments from Social Security (nearly 2 years before released back to work.) The Pro Se Plaintiff has requested medical records from “Singing River Hospital” which will detail a “personality disorder” in which the Plaintiff WILL ARGUE, WITH THE COMBINATION OF HIS ANXIETY, IS THE “JUSTIFICATION” OR DEFENSE to his actions.

OPPORTUNITY TO OBTAIN MEDICAL RECORDS HAVE BEEN PROVIDED TO EMPLOYER

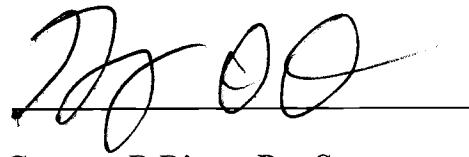
On July 18th, 2023, the Pro Se Plaintiff (via email) gave his Human Resources Representative at Tesla, Inc (almost identical) HIPPA Release Forms, to obtain these same “requested records.”

RELIEF

THE PRO SE PLAINTIFF HEREBY PRAYS THIS HONORABLE COURT RESERVE JUDGMENT ON THIS RULING, UNTIL SEPTEMBER 1ST, 2023. AT THE TIME IN WHICH IF THE CLERK OF COURT HAVE NOT RECEIVED COPIES OF REQUESTED DOCUMENTS, IN THE INTREST OF JUSTICE THIS HONORABLE COURT WILL ORDER THE PRODUCTION OF THE MEDICAL RECORDS OF THE PLAINTIFF, IN THE INTEREST OF JUSTICE.

Respectfully Submitted

August 1st, 2023



Gregory D Dixon, Pro Se
1906 Hazyknoll Lane
Houston, Tx 77067
228-334-6447
amelioratelegal@gmail.com

Gregory D Dixon II
1906 Hazyknoll Ln
Houston, TX 77067
228-334-6447
dixong800@yahoo.com
amelioratelegal@gmail.com

Social Security Administration (SSA)
Office of Privacy and Disclosure
G-401 WHR
6401 Security Boulevard
Baltimore, Maryland 21235

To whom it may concern:

Under **45 C.F.R. § 164.512(e)**, Gregory D Dixon II now requests the **US District Court for the Western District of Texas** to obtain his “medical history” in regards to Civil Action# 1:23-cv:00326 to verify the Plaintiff’s “status” under the American’s With Disabilities Act 42 U.S.C. § 12102(1)(B), “a record of impairment” in relations to an on-going employment investigation by Tesla, Inc.

The following request is “attached” to a document requesting the following information, from Social Security Administration:

- All of **Gregory D Dixon’s II medical-related information.**
 - ✓ **ALL RECORDS OF PAYMENTS, INCLUDING SOCIAL SECURITY PAYMENTS**
 - ✓ **All medical-related information from January 1st, 2010 till January 1st, 2016**
 - ✓ **All records of medical treatments and the purposes, and all relevant documents**

By electronically signing this document, the patient Gregory D Dixon II is giving the **US District Court for the Western District of Texas** permission to obtain the above-mentioned records.

Mr. Dixon is requesting the “paper” copies of the records be delivered **ON OR BEFORE SEPTEMBER 3rd, 2023**, to **US District Clerk**
501 W 5th St STE 1100
Austin, TX 78701

Failure to respond to this request may result in a subpoena or court order being issued for production of the requested documents.

Gregory D Dixon II

August 1st, 2023

HIPAA AUTHORIZATION FOR USE OR DISCLOSURE OF HEALTH INFORMATION

Social Security Administration (Service Provider)

Date: August 1st, 2023

I. **THE PATIENT.** This form is for use when such authorization is required and complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Standards.

Patient's Name: Gregory D Dixon II

Date of Birth: April 8th, 1980

Social Security Number: 587-39-2609

II. **AUTHORIZATION.** I authorize The US District Court for the Western District of Texas ("Authorized Party") to use or disclose the following:
SOCIAL SECURITY ADMINISTRATION (Service Provider)

ALL GREGORY D DIXON'S RECORDS OF PAYMENTS, INCLUDING SOCIAL SECURITY PAYMENTS

- All of Gregory D Dixon II's medical-related information.
Medical-related information from January 1st, 2010 till January 1st, 2016
All records of medical treatments and the purposes, and All relevant documents

Hereinafter known as the "Medical Records."

III. **DISCLOSURE.** The Authorized Party has my authorization to disclose Medical Records to: (check one)

- ONLY the following party:
US District Clerk
501 W 5th St STE 1100
Austin, TX 78701

IV. **PURPOSE.** The reason for this authorization is: (check one)

General Purpose. At my request (general), **VERIFICATION OF RECORD OF DISABILITY.**

V. **TERMINATION.** This authorization will terminate: (check one)

After the US District Court receive the requested documents.

VI. ACKNOWLEDGMENT OF RIGHTS.

I understand that I have the right to revoke this authorization, in writing and at any time, except where uses or disclosures have already been made based upon my original permission. I might not be able to revoke this authorization if its purpose was to obtain insurance.

I understand that uses and disclosures already made based upon my original permission cannot be taken back.

I understand that it is possible that Medical Records and information used or disclosed with my permission may be re-disclosed by a recipient and no longer protected by the HIPAA Privacy Standards.

I understand that treatment by any party may not be conditioned upon my signing of this authorization (unless treatment is sought only to create Medical Records for a third party or to take part in a research study) and that I may have the right to refuse to sign this authorization.

I will receive a copy of this authorization after I have signed it. A copy of this authorization is as valid as the original.

Gregory D Dixon II
August 1st, 2023

ADDITIONAL CONSENT FOR CERTAIN CONDITIONS

I. **SENSITIVE INFORMATION.** This medical record may contain information about physical or sexual abuse, alcoholism, drug abuse, sexually transmitted diseases, abortion, or mental health treatment. Separate consent must be given before this information can be released.

- I **consent** to have the above information released.

Signature of Patient: _____ **Date:** August 1st, 2023

August 1st, 2023

Patient Information:

Gregory D Dixon
1906 Hazyknoll Ln
Houston, TX 77067
228-334-6447

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON August 1st, 2023, I have submitted a copy of the Plaintiff's HIPPA REQUEST FORM (Information Request) to the Clerk of Court via UPS Mail, postage prepaid, at:

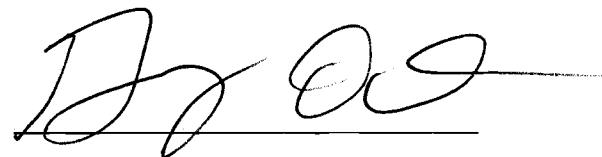
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Austin, TX 78701

August 1st, 2023

I HEREBY CERTIFY THAT ON August 1st, 2023, I have submitted a copy of the Plaintiff's HIPPA REQUEST FORM (Information Request) to the Social Security Administration via UPS Mail, postage prepaid, at:

Social Security Administration (SSA)
Office of Privacy and Disclosure
G-401 WHR
6401 Security Boulevard
Baltimore, Maryland 21235

August 1st, 2023



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dixong800@yahoo.com
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Singing River Health System
Attn: Public Records Officer
3109 Bienville Blvd.
Ocean Springs, MS 39564

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August 1st, 2023

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Singing River Health System
Attn: Public Records Officer
3109 Bienville Blvd.
Ocean Springs, MS 39564

August 1st, 2023



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Houston, Tx 77067
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amelioratelegal@gmail.com

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GREGORY D DIXON
(286) 334-6447
THE UPS STORE #1006
5215-B FM 1968 RD H
HOUSTON TX 77069-4403

1 LBS
SHIP WT: 1 LBS
DATE: 31 JUL 2023

SHIP US DISTRICT COURT

TO: STE 1100
501 W 5TH ST

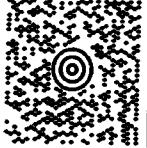
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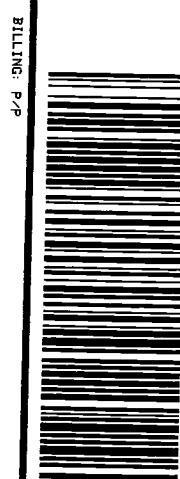
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